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Brian Taraci

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EXAMINER

KRISHNAN, VIVEK V

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/797,852	Applicant(s) TARACI, BRIAN	
	Examiner Vivek Krishnan	Art Unit 2433	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38,40-42,45 and 53-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38,40-42,45 and 53-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This action is responsive to the Amendment/Arguments filed on August 17, 2010. Claims 38, 40, and 42 have been amended. Claims 59-64 have been added. Claims 38, 40-42, 45, and 53-64 are pending.

Response to Arguments

1. Applicant's arguments with respect to Claim Rejections under 35 U.S.C. 103 have been fully considered but they are not persuasive.

As to Applicant's arguments with respect to Claim 38 -

a. Applicant argues that the cited prior art fail to disclose a contention manager configured to provide control of a first and a third port for a first period of time to a pass through service configured to create a bi-directional path between said first port and said third port as claimed in Claim 38.

Applicant's definition of a pass through service encompasses any service on an apparatus between a controller and a controlled device that facilitates the routing or passing of data to the devices via ports. In the same manner, Elson, Figure 30-32, paragraphs 141, 145, 147, 218-219, discloses a intermediary gateway platform with a resource contention service that facilitates the exchange of data, or pass through, between a controller and a controlled device via ports without re-programming the controller. In fact, this service acts to control ports and resources such that the controlled device may be dedicated to the controller. In reference to Applicant's incorporation of the limitation "unaltered" to describe the data being passed through, Elson, paragraph 227-228, makes it clear that although there are embodiments where the controlled

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device is incapable of communicating with the controller via a standard protocol and therefore the gateway acts to alter the protocol headers (rather than the data itself) to facilitate communication, there also exist embodiments where the controlled devices are capable of communicating with the controller via a standard protocol in which case the alteration becomes unnecessary. Hence, Applicant's arguments are not persuasive.

b. Applicant argues that the cited prior art fails to disclose a remote control apparatus that comprises a web server as claimed in Claim 38 because Rezvani teaches a separate web server that is located remotely from the remote control apparatus. Applicant argues that claim 38 claims a remote control apparatus having a particular structure and that structure comprises a web server.

As an initial note, Applicant appears to be confusing the "first remote control" (including the second port) with the "remote control apparatus" (including the first and third ports) in making his arguments. The claimed "remote control apparatus" is an intermediary between the "first remote control" and the "first remotely controllable non-web enabled electronic device". Similarly, in Rezvani, the web server is an intermediary between the controller and the controlled device. It is well understood that the structure of a web server simply requires software in memory and a processor to execute the software. Contrary to Applicant's arguments, Rezvani does not require that the web server is separate or located remotely from the remote control apparatus. Rezvani demonstrates that a web server configured to serve a web page providing a user interface for remotely controlling said first remotely controllable non-web enabled electronic device by sending remote control commands from said web accessible remote control

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apparatus was known at the time the application for patent was filed. As rejected below, it would have been obvious to one of ordinary skill in the art in view of Rezvani to incorporate the functionality (and structure) of the web server, as disclosed by Rezvani, into the gateway device, as disclosed by Elson.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 38, 40-42, 45, and 53-64 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant's originally filed disclosure fails to provide support for "passing unaltered first data" and "passing unaltered second data" in the manner recited in claim 38.

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Claim Rejections – 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 38, 40, 41, 45, 56, and 59-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0014521 to Elson et al. (hereinafter “Elson”), U.S. Patent No. 2003/0140090 to Rezvani et al. (hereinafter “Rezvani”), and U.S. Patent Application Publication No. 2002/0141425 to Merani et al. (hereinafter “Merani”).

6. As to Claim 38, Elson discloses an apparatus and method for providing universal web access functionality to one or more electronic devices comprising:

a first port configured to transmit remote control commands over a first link to a second port of a first remotely controllable non-web enabled electronic device (Elson; Figures 30-32, paragraphs 251, 253, 259; ports communicating with controllable electronic devices such as cell phones, GPS, remote platform, etc; GPS devices and OBD devices were traditionally known to be non-web enabled devices), said first remotely controllable non-web enabled electronic device configured to be controllable by remote control commands received at said second port from a first remote control (Elson; paragraphs 141, 145, 147, 218-219; resource controlled remotely by requests from remote control devices such as a PDA), said first port further configured to receive

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status information from said first remotely controllable non-web enabled electronic device over said first link (Elson; Figure 11, paragraphs 145, 147; resource status);

a third port configured to receive remote control commands for remotely controlling said first remotely controllable non-web enabled electronic device over a second link from a fourth port of said first remote control (Elson; Figure 30-32, paragraphs 141, 145, 147, 218-219; ports communicating with remote control devices such as a PDA);

a contention manager configured to provide control of said first port and said third port [...] to a pass through service configured to create a bi-directional path between said first port and said third port for passing unaltered first data received over said link from said first remote control at said third port through said first port over said first link to said first remotely controllable non-web enabled electronic device for controlling said first remotely controllable non-web enabled electronic device without requiring any re-programming of said first remote control or said first remotely controllable non-web enabled electronic device and for passing unaltered second data received at said first port from said first remotely controllable non-web enabled electronic device through said third port to said first remote control (Elson; Figures 30-32, paragraphs 141, 145, 147, 218-219, and 227; passing control signals between PDA and resource);

Elson does not explicitly disclose, however Merani discloses that the contention manager is configured to provide control of said ports for a first period of time (Merani; paragraphs 83-84; timeout).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a contention manager, as disclosed by Elson, to include time out values in

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order to provide control of ports for a period of time, as disclosed by Merani, in order to employ the use of one of many well known contention resolution strategies.

Elson does not explicitly disclose, however Rezvani discloses a web server configured to serve a web page providing a user interface for remotely controlling said first remotely controllable non-web enabled electronic device by sending remote control commands from said web accessible remote control apparatus through said first port over said first link to first remotely controllable non-web enabled electronic device (Rezvani; Figures 1-3, 11-12; paragraphs 105-106; web server with web page to provide user interface to control resources).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a contention manager and gateway device, as disclosed by Elson, to include a web server providing a user interface, as disclosed by Rezvani, in order to provide remote web access and control of devices to a user.

7. As to Claim 40, Elson, Merani, and Rezvani disclose each and every limitation of Claim 39. Elson further discloses wherein said contention manager is configured to prevent access by one or more services operating within said web accessible remote control apparatus to said first port while a remote control command received from said first control via said third port is being passed through to said first port (Elson; paragraphs 3, 114-116, 140, and 147-148, preventing simultaneous access).

8. As to Claim 41, Elson, Merani, and Rezvani disclose each and every limitation of Claim 40. Elson further discloses wherein said one or more services comprise an event monitoring

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service for monitoring a status of said first remotely controllable non-web enabled electronic device (Elson; paragraphs 3, 114-116, 145, and 147-148; monitoring status of resource).

9. As to Claim 45, Elson, Merani, and Rezvani disclose each and every limitation of Claim 38. Rezvani further discloses wherein said web server is configured to receive control information for controlling said first controllable electronic device via said web page (Rezvani; Figures 1-3, 11-12; paragraphs 105-106; web server receives information to control resource).

10. As to Claim 56, Elson, Merani, and Rezvani disclose the web accessible remote control apparatus of claim 38. Rezvani further discloses wherein said remote control commands comprise commands for video input source selection (Rezvani; paragraph 59).

11. As to Claim 59, Elson, Merani, and Rezvani disclose each and every limitation of Claim 38. Elson further discloses wherein said first and third ports comprise serial ports (Elson; Figure 30-32, paragraphs 141, 145, 147, 218-219).

12. As to Claim 60, Elson, Merani, and Rezvani disclose each and every limitation of Claim 59. Elson further discloses wherein said second and fourth ports comprise serial ports (Elson; Figure 30-32, paragraphs 141, 145, 147, 218-219).

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13. As to Claim 61, Elson, Merani, and Rezvani disclose each and every limitation of Claim 60. Elson further discloses wherein said first link comprises a serial link (Elson; Figure 30-32, paragraphs 141, 145, 147, 218-219).

14. As to Claim 62, Elson, Merani, and Rezvani disclose each and every limitation of Claim 61. Elson further discloses wherein said second link comprises a serial link (Elson; Figure 30-32, paragraphs 141, 145, 147, 218-219).

15. As to Claim 63, Elson, Merani, and Rezvani disclose each and every limitation of Claim 38. Elson further discloses wherein said first data comprises remote control commands (Elson; Figure 30-32, paragraphs 141, 145, 147, 218-219).

16. As to Claim 64, Elson, Merani, and Rezvani disclose each and every limitation of Claim 63. Elson further discloses wherein said second data comprises status information (Elson; Figure 30-32, paragraphs 141, 145, 147, 218-219).

17. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elson, Merani, and Rezvani as applied to Claim 38 and 46 above, and further in view of U.S. Patent No. 6,192,422 to Daines et al. (hereinafter "Daines").

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18. As to Claim 42, Elson, Merani, and Rezvani disclose each and every limitation of Claim 38. Elson does not explicitly disclose, however Daines discloses a buffer configured to temporarily store remote control commands received at said third port (Daines; Abstract; buffers associated with input/output ports to store signals).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Input/Output ports, as disclosed by Elson, to include buffers, as disclosed by Daines, in order to manage congestion.

19. Claims 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elson, Merani, and Rezvani as applied to Claim 38 and 45 above, and further in view of U.S. Patent Application Publication No. 2002/0108108 to Akaiwa et al. (hereinafter "Akaiwa").

20. As to Claim 53, Elson, Merani, and Rezvani disclose the web accessible remote control apparatus of claim 38. Elson does not explicitly disclose, however Akaiwa discloses wherein said first remotely controllable non-web enabled electronic device comprises a video projector (Akaiwa; Figures 1-2; remotely controlling non-web enabled video projector via proxy).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a remotely controllable non-web enabled electronic device, as disclosed by Elson, to include a video projector, as disclosed by Akaiwa, in order to control a video projector remotely over a network.

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21. As to Claim 54, Elson, Merani, and Rezvani disclose the web accessible remote control apparatus of claim 45. Elson does not explicitly disclose, however Akaiwa discloses wherein said first remotely controllable non-web enabled electronic device comprises a video projector (Akaiwa; Figures 1-2; remotely controlling non-web enabled video projector via proxy).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a remotely controllable non-web enabled electronic device, as disclosed by Elson, to include a video projector, as disclosed by Akaiwa, in order to control a video projector remotely over a network.

22. As to Claim 55, Elson, Merani, Rezvani, and Akaiwa disclose the web accessible remote control apparatus of claim 54. Akaiwa further discloses wherein said status information comprises lamp hour usage information (Akaiwa; paragraph 167; lamp-on time status information).

23. Claims 57 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elson, Merani, and Rezvani as applied to Claim 38 and 45 above, and further in view of U.S. Patent Application Publication No. 2002/0069410 to Atmakuri et al. (hereinafter "Atmakuri").

24. As to Claim 57, Elson, Merani, and Rezvani disclose the web accessible remote control apparatus of claim 38. Elson does not explicitly disclose, however Atmakuri discloses wherein

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said first remotely controllable non-web enabled electronic device comprises a DVD player (Atmakuri; paragraph 17; remotely controlling non-web enabled DVD player).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a remotely controllable non-web enabled electronic device, as disclosed by Elson, to include a DVD player, as disclosed by Atmakuri, in order to control a video projector remotely over a network.

25. As to Claim 58, Elson, Merani, Rezvani, and Atmakuri disclose the web accessible remote control apparatus of claim 57. Atmakuri further discloses wherein said remote control commands comprise commands for play, fast forward, rewind, pause, and stop (Atmakuri; paragraph 17; play, fast forward, rewind, pause, and stop).

Conclusion

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Krishnan whose telephone number is (571) 270-5009. The examiner can normally be reached on Monday through Friday from 9:00 AM to 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V. K./

Examiner, Art Unit 2433

/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2445